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*Attorneys for Plaintiffs*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH**

<p>JETPAY MERCHANT SERVICES, LLC, a Texas limited liability company, JETPAY, LLC, a Texas limited liability company, JETPAY ISO SERVICES, LLC, a Texas limited liability company, and WLES, L.P., a Texas limited partnership,</p> <p style="text-align: right;">Plaintiffs,</p> <p>v.</p> <p>MERRICK BANK CORPORATION, a Utah corporation,</p> <p style="text-align: right;">Defendant.</p>	<p><b>PLAINTIFFS' MOTION FOR LEAVE TO FILE THIRD AMENDED COMPLAINT</b></p> <p>Case No. 2:12-cv-197-RJS</p> <p>Judge: Robert J. Shelby</p>
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**TO THE HONORABLE JUDGE OF SAID COURT:**

COME NOW Plaintiffs JetPay Merchant Services, LLC, JetPay, LLC, JetPay ISO Services, LLC, and WLES, L.P., and file this Motion for Leave to file their Third Amended Complaint, and in support thereof respectfully show as follows:

**I.  
BASIS FOR MOTION**

Plaintiffs seek to amend the complaint to add details related to allegations of and a claim for promissory estoppel. Defendant has already agreed to extend the deadline for filing Motions to Amend Pleadings to September 13, 2014, per the Joint Motion for Extension of Time to Complete Discovery (Doc. No. 100) filed by Defendant Merrick Bank. Allowing Plaintiffs to amend its Complaint will not delay the case because there is plenty of time for discovery, as trial has not yet been set. The interest of justice will be served, as set forth in FED. R. CIV. P. 15(a)(2). Plaintiffs' Motion for Leave is made in good faith, and is not motivated by bad faith or any dilatory motive.

**II.  
THIRD AMENDED COMPLAINT ATTACHED**

Pursuant to Local Rule 15.1, a copy of Plaintiffs' Third Amended Complaint is attached hereto as Exhibit "A."

WHEREFORE, PREMISES CONSIDERED, Plaintiffs JetPay Merchant Services, LLC, JetPay, LLC, JetPay ISO Services, LLC, and WLES, L.P., pray that the Court GRANT their Motion for Leave to File their Third Amended Complaint. Plaintiffs pray for all such other and further relief to which they may show themselves to be justly entitled.

Dated: August 14, 2014.

Respectfully submitted,

By: /s/ Timothy Micah Dortch

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**CERTIFICATE OF CONFERENCE**

On August 13, 2014, the undersigned counsel certifies that he communicated with counsel for Defendant Merrick Bank Corporation about the foregoing motion and Merrick Bank is not opposed to the foregoing motion.

*/s/ Timothy Micah Dortch*

**TIMOTHY MICAH DORTCH**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 14th day of August, 2014, I electronically filed, Plaintiffs' Motion for Leave to File Third Amended Complaint with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

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*/s/ Timothy Micah Dortch*

**TIMOTHY MICAH DORTCH**